

REMARKS/ARGUMENTS

Claims 1-10 are pending. By this Amendment, claim 1 is amended. Support for the amendments to claim 1 can be found, for example, in original claim 1. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §102/§103

The Office Action rejects claims 1-10 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over U.S. Patent No. 5,393,838 to Moczygembe et al.

("Moczygembe 838"). Applicants respectfully traverse the rejection.

Claim 1 recites "[a] linear block copolymer composition, comprising from 55 to 95 mass% of a vinyl aromatic hydrocarbon and from 5 to 45 mass% of a conjugated diene as monomer units; wherein: the linear block copolymer composition is a mixture of a linear block copolymer having at least three types of polymer blocks with different molecular weights, each comprising a vinyl aromatic hydrocarbon as monomer units and represented by the following formula: S-B-S where S is a polymer block comprising a vinyl aromatic hydrocarbon as monomer units, and B is a polymer block consisting of conjugated diene monomer units ..." (emphasis added) Moczygembe 838 does not disclose or suggest such a composition.

By this Amendment, claim 1 is amended to provide that the B block consists of conjugated diene monomer units. That is, the composition of claim 1 includes a homopolymer of a conjugated diene as a soft segment, while the compositions of Moczygembe 838 include polymers having a random monovinyl arylene/conjugated diene structure as a soft segment. In response to Applicants' previous arguments, the Office Action asserts that claim 1 as previously presented does not exclude a B block including styrenic

monomers because the B block is defined using the term "comprising." *See* Office Action, pages 6 to 7. Amended claim 1 explicitly excludes a B block including such styrenic monomers, addressing the particular assertion in the Office Action. Accordingly, amended claim 1 distinguishes over Moczygembe 838.

As Moczygembe 838 fails to disclose or suggest a composition including linear block copolymers S-B-S, where S is a polymer block comprising a vinyl aromatic hydrocarbon as monomer units and B is a polymer block consisting of conjugated diene monomer units, Moczygembe 838 fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by and would not have been rendered obvious by Moczygembe 838. Claims 2-10 depend from claim 1 and, thus, also are not anticipated by and would not have been rendered obvious by Moczygembe 838. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1-10 under 35 U.S.C. §103(a) over U.S. Patent No. 5,705,569 to Moczygembe et al. ("Moczygembe 569"). Applicants respectfully traverse the rejection.

Moczygembe 569, like Moczygembe 838, fails to disclose or suggest a composition including linear block copolymers S-B-S, where S is a polymer block comprising a vinyl aromatic hydrocarbon as monomer units and B is a polymer block consisting of conjugated diene monomer units. Accordingly, Moczygembe 569 fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 would not have been rendered obvious by Moczygembe 569. Claims 2-10 depend from claim 1 and, thus, also would not have been rendered obvious by

Moczygembe 569. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Double Patenting

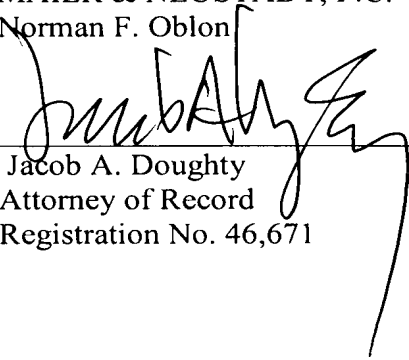
The Office Action provisionally rejects claims 1-10 under the judicially created doctrine of obviousness-type double patenting over claims 1-13 of U.S. Patent Application No. 10/549,572. Applicants respectfully request that the provisional rejection be held in abeyance until the 572 application issues as a patent or the present application is otherwise in condition for allowance.

Conclusion

For the foregoing reasons, Applicants submit that claims 1-10 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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